

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

May 14, 2015

5:30 P.M.

MINUTES

Present: Mayor James Calnon, Councilors Rachelle Armstrong (W1), Mike Kelly (W2), Dale Dowdle (W3), Paul O'Connell (W4), Becky Kasper (W5), Joshua Kretser (W6)

Absent: None

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on April 30, 2015 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Kelly; Seconded by Councilor Kretser

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the weeks ending May 6, 2015 in the amount of \$ 275,993.04 and May 13, 2015 in the amount of \$ 311,695.09 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Armstrong; Seconded by Councilor Kasper

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the weeks of April 30 – May 13, 2015
- Report from the Building Inspector's office May 11, 2015
- Statement from the City Clerk's Office of all monies received during the month of April 2015 in the total amount of \$12,797.90
- Report from the Parking Violations Bureau for April 2015

RESOLVED: That the reports as listed are hereby ordered received and placed on file among the public records of the City Clerk's Office.

By Councilor Kretser; Seconded by Councilor Dowdle

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

4. CORRESPONDENCE OR RECOMMENDATIONS FROM BOARDS: None

5. AUDIT OF CLAIMS:

RESOLVED: That the bills Audited by the Common Council for the weeks ending May 8, 2015 in the amount of \$ 253,607.27 and May 15, 2015 in the amount of \$ 1,865,441.02 are authorized and allowed and the Mayor and City Clerk are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor O'Connell; Seconded by Councilor Kelly
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

6. PERSONS ADDRESSING COUNCIL:

Davis Sprague asked about putting a trash can on the corner by the YMCA and Library.

7. OTHER ITEMS:

A. RESOLVED: In accordance with the request therefore the Common Council approves Contract # 2015-2 "Electrical Services for WPCP" be awarded to Triangle Electrical Systems, Inc for the total price of \$137,314.

By Councilor Kasper; Seconded by Councilor Dowdle
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves PMLD Bid # 2015-4-1 "Distribution Substation maintenance and relay calibration Addoms, Riverside and Bailey Substations" be awarded to HMT, Inc. for the total amount of \$42,500.

By Councilor Kretser; Seconded by Councilor Kasper
Discussion: None
Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves MLD to

write-off unpaid final bills from February 1, 2014 to February 28, 2014 in the total amount of \$5,832.99. The percentage of write-offs for this period is .24%.

By Councilor Dowdle; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves MLD to advertise for sealed bid for PMLD Bid # 2015-6-1 "Miscellaneous Substation Control Modifications." Bid Opening Date: June 19, 2015 at 1pm.

By Councilor Armstrong; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise capital project H5110.49, 2015 Equipment Purchase, by reallocating the project spending to include signs and boats for the City Marina, reduce automobile purchases for Recreation and change the equipment purchases for DPW to include a new asphalt roller and exclude an asphalt recycler.

By Councilor Kelly; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise capital project H5110.51, 2015 Building Improvements, to increase the spending to include \$50,000 for DPW building improvements

By Councilor Kasper; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(Councilors Armstrong and Kelly voted in the negative. Councilors Dowdle, O'Connell, Kasper and Kretser voted in the affirmative.)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to close the 2014 General Fund Budget by posting the entry submitted for review and budget adjustment approval.

By Councilor Kasper; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

H. APPROVAL OF ECONOMIC DEVELOPMENT LOAN TO ADIRONDACK INTEGRATIVE WELLNESS, LLC

RESOLVED: The Common Council approves a loan from the Economic Development Revolving Loan Fund to Adirondack Integrative Wellness, LLC in the amount of \$25,000 (twenty-five thousand dollars) on the terms set forth in a report and recommendation from the Lake City LDC Inc. loan underwriting committee dated May 13, 2015, submitted by Bruce Lawson, Director of Community Development, a copy of report is ordered made a part of the minutes of this meeting.

By Councilor Armstrong; Seconded by Councilor Dowdle

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

I. RESOLVED: In accordance with the request therefore the Common Council approves the Mayor to increase the 2015 General Fund Budget by \$3,300.00 for estimated revenue for parking space rentals and by \$3,300.00 for contracted service in Community Development to purchase additional downtown amenities.

By Councilor Kelly; Seconded by Councilor Dowdle

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

J. ADOPTION OF LOCAL LAW P-1 OF 2015

RESOLVED: Local Law P-1 of 2015 amending Hedge regulation in Chapter 233, Section 11, Paragraphs 2 and 4 of the City Code of the City of Plattsburgh. The entire text of which has been distributed to and read by the members of the Common Council, is hereby enacted without the reading thereof and a copy of said local law is made part of the minutes of this meeting.

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

K. ADOPTION OF LOCAL LAW P-2 OF 2015

RESOLVED: Local Law P-2 of 2015 amending Parking regulation in Chapter 270, Section 25, Paragraph M of the City Code of the City of Plattsburgh. The entire text of which has been distributed to and read by the members of the Common Council, is hereby enacted without the reading thereof and a copy of said local law is made part of the minutes of this meeting.

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

L. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise capital project H8320.73, 2012 WFP Plant Improvements, to include additional funding for a conceptual engineering design for a new intake and drinking water plant.

By Councilor O'Connell; Seconded by Councilor Kasper

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

M. RESOLVED: In accordance with the request therefore the Common Council approves Contract # 2015-7 "Evaluation of New Drinking Water Intake and Treatment Plant" consulting services be awarded to CDM Smith at an estimated amount \$45,000.

By Councilor Kasper; Seconded by Councilor Armstrong

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

N. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to revise capital project H8130.60, 2014, WPCP Aeration System Upgrades, by adding \$50,000 of funding from the Sewer Capital Reserve to cover the increasing costs of the project.

By Councilor Armstrong; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

O. RESOLVED: In accordance with the request therefore the Common Council approves Contract # 2015-5 "WPCP Aeration System Upgrades (Capital Project H8130.60)" be awarded to Motion Industries for the sum of \$117,473.32.

By Councilor Kasper; Seconded by Councilor Kelly

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

P. RESOLVED: In accordance with the request therefore the Common Council approves Kate Quinn of the Cystic Fibrosis Foundation to hold the Great Strides Walk at Melissa Penfield Park on Sunday 5/17 at 10am-4pm.

By Councilor Kasper; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

Q. RESOLVED: In accordance with the request therefore the Common Council approves DaleAnne Wolter to hold a Memorial Walk at Melissa Penfield Park to benefit the Champlain Valley Chapter of the Compassionate Friends on Sunday August 2, 2015 from 8:30am-1pm.

By Councilor Kretser; Seconded by Councilor O'Connell

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

R. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign South Catherine Street Reconstruction; Supplemental Agreement No. 4, Comptrollers Contract No: D032301, NYSDOT PIN 775314.

WHEREAS, a project for the "**South Catherine Street Reconstruction**," PIN 775314, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal Funds and 20% non-federal funds and;

WHEREAS, as provided for by agreement with the NYS Department of Transportation, PE and/or ROW Incidental or ROW acquisition work performed by the municipality for the federal-aid-eligible construction project covered by the agreement, the costs of such work that are approved in writing by NYSDOT as applicable to the federal aid and Marchiselli aid construction work (excluding costs applicable to non-federally eligible or non-Marchiselli eligible project elements) shall be credited following FHWA's construction phase closeout audit of the Project to Project costs that are eligible for federal aid and Marchiselli aid; and

WHEREAS, the City of Plattsburgh desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of "**South Catherine Street Reconstruction**,"

NOW THEREFORE, the City of Plattsburgh Common Council duly convened does hereby:

RESOLVE, that the City of Plattsburgh Common Council hereby approves the above-subject project, and it is here by further

RESOLVED, that the City of Plattsburgh Common Council hereby authorizes the City Chamberlain of the City of Plattsburgh to pay in the first instance 100% the federal and non-federal share of the costs of the **South Catherine Street Reconstruction** work for the Project or portions thereof, and it is further

RESOLVED, that the sum of **\$5,658,130.00** is hereby appropriated by this resolution and made available to cover the cost of participation in the above phases of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share of the project exceeds the amount appropriated above, the City of Plattsburgh Common Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Chamberlain thereof, and it is further

RESOLVED, that the Mayor of the City of Plattsburgh be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Plattsburgh, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations thereof are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

By Councilor Armstrong; Seconded by Councilor Kretser

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

S. RESOLVED: In accordance with the request therefore the Common Council approves that the Mayor be authorized to sign South Catherine Street Reconstruction, Standard Federal Aid Highway Master State Administered Agreement; Comptrollers Contract No: D034982, NYSDOT PIN 775314.

WHEREAS, a project for the "**South Catherine Street Reconstruction**," (the project), PIN 775314, is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be born at the ratio of 80% Federal Funds and 20% non-federal funds and;

WHEREAS, as provided for by agreement with the NYS Department of Transportation, PE and/or ROW Incidental or ROW acquisition work performed by the municipality for the federal-aid-eligible construction project covered by the agreement, the costs of such work that are approved in writing by NYSDOT as applicable to the federal aid and Marchiselli aid construction work (excluding costs applicable to non-federally eligible or non-Marchiselli eligible project elements) shall be credited following FHWA's construction phase closeout audit of the Project to Project costs that are eligible for federal aid and Marchiselli aid; and

WHEREAS, the City of Plattsburgh desires to advance the Project by making a commitment of 100% of the non-federal share of the costs of the "**South Catherine Street Reconstruction**,"

NOW THEREFORE, the City of Plattsburgh Common Council duly convened does hereby:

RESOLVE, that the City of Plattsburgh Common Council hereby approves the above-subject project, and it is here by further

RESOLVED, that the City of Plattsburgh Common Council hereby authorizes the City Chamberlain of the City of Plattsburgh to pay in the first instance 100% the federal and non-federal share of the costs of the **South Catherine Street Reconstruction** work for the Project or portions thereof, and it is further

RESOLVED, that the sum of **\$77,450.00** is hereby appropriated by this resolution and made available to cover the cost of participation in the above phases of the Project, and it is further

RESOLVED, that in the event the full federal and non-federal share of the project exceeds the amount appropriated above, the City of Plattsburgh Common Council shall convene as soon as possible to appropriate said excess amount immediately upon notification by the City Chamberlain thereof, and it is further

RESOLVED, that the Mayor of the City of Plattsburgh be and is hereby authorized to execute all necessary agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Plattsburgh, with the NYSDOT in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible project costs and all project costs within appropriations thereof are not so eligible, and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

By Councilor O'Connell; Seconded by Councilor Dowdle

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

T. RESOLVED: In accordance with the request therefore the Common Council approves rejecting all bids for Contract # 2014-30 "Pointing and Cleaning Brick at Library Building"

By Councilor Armstrong; Seconded by Councilor Dowdle

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

U. RESOLVED: In accordance with the request therefore the Common Council approves the City Chamberlain to adjust the 2015 Sewer Fund Budget by an increase of \$35,050.00 in the Sanitary Sewer Contracted Services line item with a corresponding entry to appropriate additional Sewer Fund Balance for the same cost.

By Councilor Kelly; Seconded by Councilor Armstrong

Discussion: None

Roll call: Councilors Armstrong, Kelly, Dowdle, O'Connell, Kasper, Kretser

(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST:

A. RESOLVED: In accordance with the request therefore the Common Council approves City Clerk Travel Requests for 2015.

By Councilor O’Connell; Seconded by Councilor Kelly

Discussion: Yes

Roll call: Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

9. RESOLUTIONS FOR INITIAL CONSIDERATION: None

10. NEW BUSINESS:

Councilor Kretser spoke about Sunday Destination downtown event on May 17.

Promotions and Special Events Coordinator Sandra Geddes also spoke about the downtown event May 17th from noon to 4pm.

Councilor Dowdle asked for an update on Fire Union negotiations.

Mayor Calnon said the first mediation will be held in early June.

Councilor O’Connell invited everyone to the Gerald Burdo Field dedication on May 16th at 9:30am and the Veterans Bridge dedication on May 23rd at 11am.

Mayor Calnon said there will be a MLD Board Meeting immediately following the meeting tonight.

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor O’Connell; Seconded by Councilor Kasper
Roll call Councilors Armstrong, Kelly, Dowdle, O’Connell, Kasper, Kretser
(All voted in the affirmative)

MEETING ADJOURNED: 6:10 pm



Plattsburgh, New York

MEMORANDUM

Bruce Lawson
Director

Community Development Office
41 City Hall Place
Plattsburgh, NY 12901
518-563-7642

TO: Mayor Calnon & Members of the Common Council

FR: Bruce Lawson, Director of Community Development

DA: May 13, 2015

RE: Loan Applicant-Adirondack Integrative Wellness, LLC

The LCLDC Loan Review Committee reviewed the above application on May 13, 2015 and recommends that the Council approve this loan.

Project Overview and Loan Review Committee Summary:

Project Name: **Adirondack Integrative Wellness, LLC**
Elizabeth and Billie Pearl

Project Address: 135 South Peru St, Plattsburgh, NY

Loan Amount Requested: \$25,000.00

Interest Rate: $\frac{3}{4}\%$ of prime rate at time of approval
(Currently 2.44%)

Term: Ten (10) years

Approved: Scott Allen, Hope Coryer, Carole Garcia
Carol McLean, Jeff Rendinaro

Opposed: None

Absent: Brian Gladwin

Jobs Created: 1

Comments or Special Stipulations: Adirondack Integrative Wellness, LLC is acquiring the building and property 135 South Peru Street and will lease space to Pearl Physical Therapy and other independent health care providers allowing the sharing of daily business operational costs as well as integrating health care services and skills through collaboration and partnership.

The City loan funds will be used for acquisition of the building and will be secured by a second mortgage on the property. Primary funding has been secured through NBT Bank. This loan will also be personally guaranteed by Elizabeth and Billie Pearl.

Local Law No. P-1 of the year 2015.

Introduced by Councilor Dowdle at a regular meeting of the Common Council held on April 30, 2015.

A local law amending Chapter 233, Section 11, Paragraphs 2 and 4 of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. City Code § 233-11(2)(b) is amended to read as follows:
 - b. or, overhang public sidewalks and restrict or obstruct pedestrians. For purposes of this sub-section, overhanging trees, hedges, or plantings will be presumptively restrictive or obstructive—and therefore subject to trimming or removal—if, in any season, they are less than seven (7) feet above any portion of the sidewalk.
2. City Code § 233-11 (4)(a) is amended to read as follows:

Notice may be given personally to the owner, or by certified mail return receipt requested, addressed to the property owner at the name and address listed on the City of Plattsburgh's current real property assessment role.
3. City Code § 233-11 (4)(g) is deleted in its entirety.
4. This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State.

Local Law No. P-2 of the year 2015.

Introduced by Councilor Dowdle at a regular meeting of the Common Council held on April 30, 2015.

A local law amending Chapter 270, Section 25, Paragraph M of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. City Code § 270-25(M) is amended to read as follows:

In R-1, R-2 and R-H districts or OL-P districts, no motor vehicle shall be parked in the front yard of any lot, except on a paved driveway or an approved parking area. No motor vehicle shall be parked on any property owned by the City of Plattsburgh that lies between the improved bounds of a city street and the lot line(s) of any lot.

2. This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State.